

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF THE)	CASE NO.
PROPOSED POLE ATTACHMENT TARIFFS OF)	2022-00107
RURAL LOCAL EXCHANGE CARRIERS)	

ORDER

This matter is before the Commission on Kentucky Broadband and Cable Association's (KBCA) motion for clarification filed May 12, 2022. KBCA requested clarification regarding whether the intervenor testimony to be filed on or before June 9, 2022, pursuant to the procedural schedule in the Commission's March 30, 2022 Order, contemplated witness testimony or legal briefing from the intervenors, and if the procedural schedule did not contemplate legal briefing, KBCA requested that the procedural schedule be amended to allow legal briefs to be filed by intervenors with intervenor witness testimony and by the utilities with their rebuttal testimony. KBCA argued that many of its issues with the utilities' tariffs relate to their failure to comply with 807 KAR 5:015 or are based on Commission or Federal Communications Commission precedent such that legal briefing is a more appropriate way to address them.

The rural local exchange carriers jointly objected to KBCA's motion and generally argued that additional briefing is unnecessary, that they should not be required to spend time responding to arguments regarding issues that the Commission already rejected as part of rulemaking, and that under the current procedural schedule it would be difficult to respond to any intervenor testimony and prepare a legal brief by the proposed deadline.

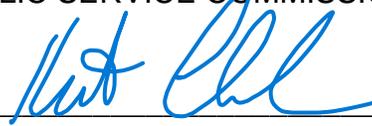
KBCA argued in its reply that legal briefing makes sense in this matter because it is the first time the Commission has sought to implement 807 KAR 5:015 and that their proposed schedule allows intervenors sufficient time to respond to any legal brief.

The Commission notes that verified, intervenor testimony, if any, to be filed on or before June 9, 2022, was not intended to include legal briefing. Rather, the procedural schedule contemplated that intervenors would file written, verified witness testimony, if any, to support their objections to the tariffs in this matter by the date in the procedural schedule. The Commission understands that certain objections to the tariffs may be primarily legal, and that legal briefing will likely be beneficial in this matter, but such briefs would be more useful at the close of written discovery or any hearing in this matter. Thus, the Commission finds that KBCA's motion for clarification shall be denied to the extent it seeks to have the parties submit legal briefs with intervenor and rebuttal testimony. However, the Commission does find that counsel for the parties shall confer and that the parties shall jointly or separately state their positions, if any, regarding briefing, including the order and timing of briefing, on or before July 18, 2022, (when parties must request a hearing or that the case be submitted for a decision on the record).

IT IS THEREFORE ORDERED that:

1. KBCA's motion is denied to the extent it sought to amend the procedural schedule to establish deadlines for filing legal briefs with intervenor and rebuttal testimony.
2. Parties shall jointly or separately state their positions, if any, regarding briefing, including the order and timing of briefing, on or before July 18, 2022.

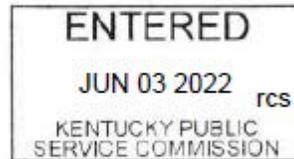
PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman

Commissioner



ATTEST:



Executive Director

*Allison T Willoughby
General Manager
Brandenburg Telephone Company, Inc.
200 Telco Road
P. O. Box 599
Brandenburg, KY 40108

*Hannah Wigger
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Avenue NW, Suite 1
Washington, DISTRICT OF COLUMBIA 20006

*Kelly Roberts
Brandenburg Telephone Company, Inc.
200 Telco Road
P. O. Box 599
Brandenburg, KY 40108

*Thacker-Grigsby Telephone Company, I
Thacker-Grigsby Telephone Company,
9500 Communications Lane
P. O. Box 789
Hindman, KY 41822

*Gearheart Communications Company, In dba
Gearheart Communications Company, Inc. dba
20 Laynesville Road
Harold, KY 41635

*Mark Patterson
Highland Telephone Cooperative, Inc.
7840 Morgan County Highway
P. O. Box 119
Sunbright, TN 37872

*R. Brooks Herrick
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*South Central Rural Telecommunicatio
South Central Rural Telecommunications
1399 Happy Valley Road
P. O. Box 159
Glasgow, KY 42142

*Mountain Rural Telephone Cooperative
Mountain Rural Telephone Cooperative
425 Main Street, Suite A
P. O. Box 399
West Liberty, KY 41472

*Brandenburg Telephone Company, Inc.
Brandenburg Telephone Company, Inc.
200 Telco Road
P. O. Box 599
Brandenburg, KY 40108

*James W Gardner
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507

*Paul Werner
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Avenue NW, Suite 1
Washington, DISTRICT OF COLUMBIA 20006

*Highland Telephone Cooperative, Inc.
Highland Telephone Cooperative, Inc.
7840 Morgan County Highway
P. O. Box 119
Sunbright, TN 37872

*North Central Telephone Cooperative,
North Central Telephone Cooperative, Inc.
872 Highway 52 By-Pass E
P. O. Box 70
Lafayette, TN 37083-0070

*Rebecca C. Price
Sturgill, Turner, Barker & Moloney
155 East Main Street
Lexington, KENTUCKY 40507

*Eileen M Bodamer
Bodamer Consulting, LLC
415 Hepplewhite Drive
Johns Creek, GEORGIA 30022

*Ballard Rural Telephone Cooperative
Ballard Rural Telephone Cooperative Corporation,
159 W 2nd Street
P. O. Box 209
La Center, KY 42056-0209

*Foothills Rural Telephone Cooperativ
Foothills Rural Telephone Cooperative
1621 Kentucky Route 40 W
P. O. Box 240
Staffordsville, KY 41256

*Logan Telephone Cooperative, Inc. db
Logan Telephone Cooperative, Inc. dba LTC
10725 Bowling Green Road
P. O. Box 97
Auburn, KY 42206

*Peoples Rural Telephone Cooperative
Peoples Rural Telephone Cooperative
1080 Main Street South
McKee, KY 40447

*Edward T Depp
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507

*Duo County Telephone Cooperative Cor
Duo County Telephone Cooperative Corporation,
2150 N Main Street
P. O. Box 80
Jamestown, KY 42629